

MESSAGE NO: 5080113 MESSAGE DATE: 03/21/1995

MESSAGE STATUS: Active CATEGORY: Antidumping  
TYPE: LIQ-Liquidation PUBLIC ☒ NON-PUBLIC ☐  
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE  
MESSAGE #  
(s):

CASE #(s): A-614-801

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 11/27/1991 TO 05/31/1993

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: LIQUIDATION INSTRUCTIONS FOR FRESH KIWIFRUIT FROM NEW ZEALAND (A-614-801) NEW ZEALAND KIWIFRUIT MARKETING BOARD (NZKMB)

MESSAGE NO: 5080113

DATE: 03 21 1995

CATEGORY: ADA

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CASES: A - 614 - 801

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PERIOD COVERED: 11 27 1991 TO 05 31 1993

LIQ SUSPENSION DATE:

TO: REGIONAL DIRECTORS, COMMERCIAL OPERATIONS  
DISTRICT DIRECTORS, AREA AND PORT DIRECTORS

FROM: DIRECTOR, TRADE COMPLIANCE DIVISION

RE: LIQUIDATION INSTRUCTIONS FOR FRESH KIWIFRUIT FROM  
NEW ZEALAND (A-614-801)  
NEW ZEALAND KIWIFRUIT MARKETING BOARD (NZKMB)

1. THE DEPARTMENT OF COMMERCE HAS COMPLETED ITS ANNUAL ADMINISTRATIVE REVIEW AND PUBLISHED THE AMENDED FINAL RESULTS IN THE FEDERAL REGISTER ON 12/19/94 (59 FR 65319). FOR ALL SHIPMENTS OF FRESH KIWIFRUIT FROM NEW ZEALAND PRODUCED BY THE NEW ZEALAND KIWIFRUIT MARKETING BOARD (NZKMB), ENTERED OR WITHDRAWN FROM WAREHOUSE FOR CONSUMPTION DURING THE PERIOD 11/27/91 THROUGH 05/31/93, ASSESS AN ANTIDUMPING LIABILITY OF 8.37 PERCENT OF THE ENTERED VALUE.

2. THESE INSTRUCTIONS CONSTITUTE THE IMMEDIATE LIFTING OF SUSPENSION OF LIQUIDATION OF ENTRIES FOR THE MERCHANDISE AND PERIOD LISTED ABOVE. YOU SHALL CONTINUE TO COLLECT CASH DEPOSITS OF ESTIMATED ANTIDUMPING DUTIES FOR THE MERCHANDISE AT THE CURRENT RATES.
3. THE ASSESSMENT OF ANTIDUMPING DUTIES BY THE CUSTOMS SERVICE ON ENTRIES OF THIS MERCHANDISE IS SUBJECT TO THE PROVISION OF SECTION 778 OF THE TARIFF ACT OF 1930. SECTION 778 REQUIRES THAT CUSTOMS PAY INTEREST ON OVERPAYMENTS, OR ASSESS INTEREST ON UNDERPAYMENTS OF THE REQUIRED AMOUNTS DEPOSITED AS ESTIMATED ANTIDUMPING DUTIES. THE INTEREST PROVISIONS ARE NOT APPLICABLE TO BONDS POSTED AS ESTIMATED ANTIDUMPING DUTIES PRIOR TO THE DATE OF ANTIDUMPING DUTY ORDER. INTEREST SHALL BE CALCULATED FROM THE DATE OF PAYMENT OF ESTIMATED ANTIDUMPING DUTIES THROUGH THE DATE OF LIQUIDATION. THE RATE AT WHICH SUCH INTEREST IS PAYABLE IS THE RATE IN EFFECT UNDER SECTION 6621 OF THE INTERNAL REVENUE CODE OF 1954 FOR SUCH PERIOD.
4. UPON ASSESSMENT OF ANTIDUMPING DUTIES, CUSTOMS SHOULD REQUIRE THAT THE IMPORTER PROVIDE A REIMBURSEMENT STATEMENT AS DESCRIBED IN SECTION 353.26 OF THE COMMERCE DEPARTMENT REGULATIONS. THE IMPORTER SHOULD PROVIDE THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION OF THE ENTRY. IF THE IMPORTER HAS BEEN REIMBURSED ANTIDUMPING DUTIES, CUSTOMS SHOULD DOUBLE THE ANTIDUMPING DUTIES IN ACCORDANCE WITH THE ABOVE-REFERENCED REGULATION. ADDITIONALLY, IF THE IMPORTER FAILS TO RESPOND TO YOUR FORMAL REQUEST (VIA CF 28 OR 29) FOR THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION, CUSTOMS SHOULD PRESUME REIMBURSEMENT AND DOUBLE THE ANTIDUMPING DUTIES DUE.
5. YOU MAY RELEASE APPRAISED VALUES TO INDIVIDUAL IMPORTER CONCERNED OR HIS REPRESENTATIVE. YOU MAY NOT RELEASE ANY DETAILS OF THE CALCULATIONS OF APPRAISED VALUES WITHOUT AUTHORIZATION OF THE CUSTOMS SERVICE HEADQUARTERS.

6. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CUSTOMS OFFICERS, THEY SHOULD BE FORWARDED VIA E-MAIL THROUGH THE APPROPRIATE SUPERVISORY CHANNELS, THE TECHNICAL PROGRAMS, ANTIDUMPING/COUNTERVAILING DUTY USING THE ATTRIBUTE "HQ OAB." THE IMPORTING PUBLIC AND OTHER INTERESTED PARTIES SHOULD CONTACT ANN NGO ON (202) 482-5346, OFFICE OF ANTIDUMPING COMPLIANCE, INTERNATIONAL TRADE ADMINISTRATION, DEPARTMENT OF COMMERCE.
7. THERE ARE NO RESTRICTIONS ON RELEASE OF THIS TELEX.

NANCY MCTIERNAN

## Company Details

\*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party